

Law Offices of Robert I. Segal, P.A.

By: W. Robb Graham, Esquire

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71 North Main Street

Medford, NJ 08055

(609) 953-1200

Attorney for Plaintiffs Kyle Williams,

Garrett L. Jones and Ethel Jones

KYLE WILLIAMS, GARRETT L. JONES
AND ETHEL JONES.

Plaintiffs

v.

UNITED STATES OF AMERICA AND
JOHN DOES I-III

Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CIVIL ACTION

No.:

**COMPLAINT, NOTICE PURSUANT TO
F.R.C.P. RULE 5 AND 31 (C),
CERTIFICATION OF TREATING
PHYSICIAN AND DEMAND FOR
DISCOVERY OF INSURANCE
COVERAGE**

Jurisdiction

1. Jurisdiction in the United States District Court, District of New Jersey, is appropriate as the United States Postal Service is an independent agency of the United States of America and can only be sued in name of the United States of America in the United States District Court.

2. Jurisdiction is based upon the defendant being the United States of America, pursuant to 28 U.S.C. 1332.

3. Plaintiff Kyle Williams is an adult individual residing at 206 Ava Avenue, Somerdale, NJ.

4. Plaintiff Garrett L. Jones is an adult individual residing at 9 Crab Apple Ct., Blackwood, NJ.

5. Plaintiff Ethel Jones is an adult individual and is the spouse of plaintiff Garrett L. Jones and also resides at 9 Crab Apple Ct., Blackwood, NJ.

6. Defendant, United States Postal Service, is an independent agency of the United States, which was created on July 1, 1971, and at all times relevant was engaged in the provision of postal services on behalf of the United States of America in the State of New Jersey.

7. On September 28, 2019, Lamont R. Rothmaller, an employee of the United States Postal Service, acting within the scope of his employment, was operating a 1994 US postal truck, bearing plate number 430-9157 and negligently caused a collision with the Chevrolet Silverado, which was being operated by Garrett L. Jones. Plaintiff Garrett L. Jones was injured as a result of this collision. Plaintiff Kyle Williams was a passenger in the vehicle operated by Plaintiff Garrett Jones and was injured as a result of the defendant's negligence.

8. On August 3, 2021, counsel for the plaintiffs, submitted administrative claims, on behalf of the plaintiffs, by sending properly completed Standard Form 95s, demanding sums certain for each of the plaintiffs, to Postmaster Louis DeJoy, United States Postal Service 475 L'Enfant Plaza SW, Washington, DC, 2020-000 4, via certified mail article #7021 0350 0001 4408 5240.

9. On August 9, 2021, the United States Postal Service received the Standard Form 95s for each of the plaintiffs.

10. Despite the passage of more than 6 months, since the United States Postal Service received the plaintiffs' administrative claims, the United States Postal Service has neither denied, nor accepted, plaintiffs' administrative claims; therefore, pursuant to 28 U.S.C. § 2675(a), the plaintiffs are entitled to presume that their claims have been administratively denied and are entitled to file this lawsuit.

Complaint

Count I

1. On, or about September 28, 2019, the plaintiff, Garret L. Jones, was the owner and operator of a motor vehicle, who was traveling on Easton Drive, Township of Gloucester, County of Camden, State of New Jersey. Plaintiff Kyle Williams was a passenger in the same vehicle.

2. At the same time and place, Lamont R. Rothmaller, was the operator of a motor vehicle that was owned by defendant, U.S. Postal Service, who was parked delivering mail then, began traveling on Easton Drive, Township of Gloucester, County of Camden, State of New Jersey.

3. A collision occurred between the motor vehicle operated by the Lamont R. Rothmaller, and plaintiff, Garret L. Jones.

4. At all times relevant hereto, Lamont R. Rothmaller, was acting as the agent, servant and/or employee of defendant, U.S. Postal Office, acting within the scope of their authority and agency and with their knowledge, permission and/or consent.

5. Lamont R. Rothmaller, so negligently and carelessly operated his motor vehicle so as to cause the collision.

6. As a direct and proximate result of the negligence and carelessness of the defendant aforesaid, the plaintiffs suffered severe painful bodily injuries, which injuries necessitated them obtaining medical treatment, caused them great pain and suffering, incapacitated them from pursuing their usual employment and other activities, caused economic loss and caused other permanent disabilities that will in the future similarly incapacitate them, cause them great pain and suffering, require future medical treatment, and cause future economic losses.

WHEREFORE, the plaintiffs, Garret L. Jones, Ethel Jones and Kyle Williams, demand judgment against the defendant, United States of America and John Does I-III for damages, counsel fees, interest and costs of suit.

SECOND COUNT

1. The plaintiffs repeat the allegations of all preceding counts of the complaint in their entirety and incorporates same by reference.

2. The defendant, John Doe I, is the fictitious name for an individual driving a vehicle at the time of the accident complained of which is the subject matter of this cause of action.

3. The presently unidentified defendant, John Doe I, so negligently and carelessly operated his motor vehicle so as to cause the accident complained of which is the subject matter of this cause of action.

4. As a direct and proximate result of the negligence and carelessness of the defendant, John Doe I, the plaintiff suffered the injuries and damages complained of herein.

WHEREFORE, plaintiffs , Garret L. Jones, Ethel Jones and Kyle Williams demand judgment against John Doe I for damages, counsel fees, interest and costs of suit.

THIRD COUNT

1. The plaintiff repeats the allegations of all preceding counts of the Complaint in their entirety and incorporates same by reference.
2. The defendant, John Doe II, is the fictitious name for an individual or entity, who was the owner of a vehicle at the time of the accident complained of which is the subject matter of this cause of action.
3. At all times relevant hereto, the vehicle owned by the defendant, John Doe II, was being operated by an individual with the permission of the owner, John Doe II.
4. At all times relevant hereto, the vehicle owned by the defendant, John Doe II, was being operated by an individual as his or its agent, servant and/or employee within the scope of said agency or employment.
5. As a direct and proximate result of the negligence and carelessness of the defendant, John Doe II, the plaintiff suffered the injuries and damages complained of herein.

WHEREFORE, plaintiffs Garret L. Jones, Ethel Jones and Kyle Williams, demand judgment against John Doe II for damages, counsel fees, interest and costs of suit.

FOURTH COUNT

1. The plaintiff repeats the allegations of all preceding counts of the Complaint in their entirety and incorporates same by reference.
2. The defendant, John Doe III, is the fictitious name for an individual or entity for whom a vehicle was being operated at the time of the accident complained of which is the subject matter of this cause of action.

3. At all times relevant hereto, a vehicle was being operated at the time of the accident complained which is the subject matter of this cause of action on behalf of the defendant, John Doe III, as his or its agent, servant and/or employee within the scope of said agency or employment.

4. As a direct and proximate result of the negligence and carelessness of the defendant, John Doe III, the plaintiff suffered the injuries and damages complained of herein.

WHEREFORE, plaintiffs Garret L. Jones, Ethel Jones and Kyle Williams, demand judgment against John Doe III for damages, counsel fees, interest and costs of suit.

FIFTH COUNT

1. The plaintiffs, Garret L. Jones and Ethel Jones, at all times mentioned herein were married.

2. The plaintiff Ethel Jones, repeats the allegations of the proceeding counts of the Complaint in their entirety and incorporates same by reference.

3. As the direct and proximate result of the negligence and carelessness of the defendants aforesaid, the plaintiff, Ethel Jones, have and will in the future be required to provide extraordinary services and care and have and will be denied the aid, comfort, companionship, society and consortium of plaintiff, Garret L. Jones.

WHEREFORE, the plaintiffs, Kyle Williams, Garret L. Jones and Ethel Jones, demand judgment against the defendants, United States of America and John Does I-III.

JURY DEMAND

The plaintiffs, Kyle Williams, Garret L. Jones and Ethel Jones, hereby demand a trial by jury as to all issues triable by a jury.

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CERTIFICATION OF TREATING PHYSICIAN

The Certification of Treating Physician is attached hereto and included herein by reference.

DATED: February 28, 2022

Certification

W. Robb Graham, Esquire, hereby certifies that there are no other actions or arbitrations pending or contemplated involving the subject matter of this controversy at this time, and that there are no additional known parties who should be joined to the present action at this time.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Law Offices of Robert I. Segal, PA
Attorney for Plaintiffs

/s/ W. Robb Graham
W. Robb Graham, Esquire
71 North Main Street
Medford, NJ 08055
(609) 953-1200
robb@robertisegal.com

Dated: February 28, 2022

Notice Pursuant to F.R.C.P. Rule 5 and 31 (c)

PLEASE TAKE NOTICE that the undersigned attorney hereby demands that each party herein serve pleadings and/or interrogatories and/or receiving papers thereto serve copies of all such pleadings and answered interrogatories received from any party upon the undersigned and take further notice that this is a continuing demand.

Law Offices of Robert I. Segal, PA
Attorney for Plaintiffs

/S/ W. Robb Graham
W. Robb Graham, Esquire
71 North Main Street
Medford, NJ 08055
(609) 953-1200
robb@robertisegal.com

Dated: February 28, 2022

Demand for Discovery of Insurance Coverage

Pursuant to F.R.C.P. 26(b)(2), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or entity carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy judgment.

If so, attach a copy of each policy or agreement, or in the alternative state, under oath or certification: (a) policy number; (b) name and address if insurer or issuer; (c) inception and expiration dates; (d) names and addresses of all persons/entities covered; (e) personal injury limits; (f) property damage limits; and (g) medical payment limits.

Law Offices of Robert I. Segal, PA
Attorney for Plaintiffs

/s/ W. Robb Graham
W. Robb Graham, Esquire
Attorney ID: WG4864
71 North Main Street
Medford, NJ 08055
(609) 953-1200
robb@robertisegal.com

Dated: February 28, 2022

CERTIFICATION OF TREATING PHYSICIAN

Patient: Kyle Williams

Dr Adam Schreiber, of full age and duly sworn according to law upon his oath deposes and says:

1. I am a duly licensed physician in the State of New Jersey.

2. Kyle Williams has been under my medical care for injuries he sustained in a motor vehicle accident on September 28th, 2019. I have been treating injuries to his cervical & lumbar spine. Thoracic spine

3. In my opinion, to a reasonable degree of medical probability, as a result of the accident of September 28th, 2019, Kyle Williams did suffer permanent injuries to the following areas: cervical & lumbar spine.

4. The diagnosed permanent injuries include: C3-4, C4-5, C5-6 disc herniations. C3-4, C4-5, C5-S1 disc bulges.

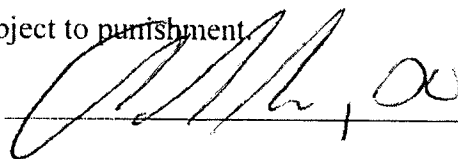
His injured body parts and organs have not healed to function normally and will not heal to function normally with further medical treatment. I base this opinion in part on objective clinical evidence which may include medical testing. The medical testing I considered includes:

MRI of cervical & lumbar spine.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing are willfully false, I am subject to punishment.

DATE

9/9/21



DR. ADAM SCHREIBER

CERTIFICATION OF TREATING PHYSICIAN

Patient: Kyle Williams

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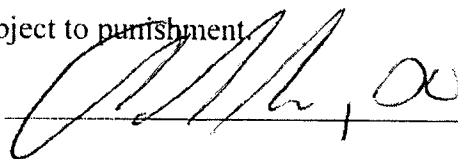
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DATE

9/9/21



DR. ADAM SCHREIBER